

explain this and I hope that E & R can understand it if we do adopt this amendment. The Kahle amendment put some new language in Section 12 of the bill and I'll try to read the language as my amendment would amend both the Kahle amendment and Section 12 on page 17 of LB 198. And it has to do with the incidental storage, incidental use of underground water from these projects. On lines 19, beginning on line 19, it says, "This act may, subject to Section 15 of this act, levy a fee," and under the Kahle amendment it says, "of fifty cents per year per acre benefitted." And I am striking the word "benefitted" and inserting "irrigated by mechanical withdrawal." And the rest of the sentence would read, "against any person who withdraws" and then I strike "or otherwise benefits from." So it would say, it would read, "a fee of fifty cents per year per irrigated acre or per acre irrigated by mechanical withdrawal," that's it, "fifty cents per year per acre irrigated by mechanical withdrawal against any person who withdraws such stored water." Now the intention as, I think Senator Lamb discussed, is that if we are going to assess a fee for the incidental use of recharge water, that it should not be charged against persons who "may not be benefitting from that water." In other words, if it happens to be pasture land or unirrigatable land and yet there is recharge because the surface water project happens to be going by there, that this fee should not be charged to those people who may not be benefitting from that recharge in any way, shape or form. So this would simply put into statute or into the 198, the concept that okay, if we are going to charge this fifty cents fee it is going to be to those people who are irrigating, who are withdrawing the water and thereby are directly getting a result of it or a beneficial result of it. I have a lot of problems, as I indicated earlier, with charging for this incidental use to those people who have not asked for it, who are not getting any benefit from it and in many cases it is a disadvantage to them perhaps. In this case I think that we are tightening it down to what I would think probably was the intention of the introducers and the intention of Senator Kahle when he offered the amendment earlier. That, Mr. President, is the amendment and I would urge the body's adoption of it.

PRESIDENT: We have a number of lights on for the issue itself. Do you wish to speak on this matter, Senator Kahle? The Vickers amendment.

SENATOR KAHLE: Could I have a little quiet?